

O-3C to M-1C
3.35 Ac.

INTERSTATE 95

C-39C-05

ZONING

Office / Warehouse
Ref. 785-768-9646

Fairfield District

0 400 Feet





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 20, 2005

Ackley Park, LLC
5103 Thursh Lane
Richmond, VA 23227

RE: Rezoning Case C-39C-05

Dear Sir:

The Board of Supervisors at its meeting on September 13, 2005, granted your request to rezone property from O-3C Office District (Conditional) to M-1C Light Industrial District (Conditional), Parcel 785-768-9646, described as follows:

Beginning at a point, marked P.O.B. 'D', on the west line of J.E.B. Stuart Parkway, said point being 1,128.74' north of the intersection of the west line of J.E.B. Stuart Parkway and the north line of Virginia Center Parkway; thence leaving the said west line of J.E.B. Stuart Parkway N 35°37'08" W, 41.47' to a point; thence along a curve to the left having a radius of 188.82', a length of 150.91', a chord bearing of N 58°30'55" W and a chord of 146.93' to a point; thence N 81°24'42" NW, 55'± to a point in the centerline of a creek; thence along the centerline of creek in a northeast direction 831'± to a point on the west line of J.E.B. Parkway; thence leaving the said centerline of a creek along the west line of J.E.B. Stuart Parkway the following two courses: along a curve to the right having a radius of 900.10', a length of 594'±, a chord bearing of S 34°55' 17" W and a chord of 582.83' to a point; thence S 53°48'42" W, 36.61' to the point and place of beginning containing 3.35± acres.

The Board of Supervisors accepted the following proffered conditions, dated August 30, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Development Matters.

- a. The Property shall be developed substantially as shown on a site plan entitled "J.E.B. Stuart Place -Revised Layout and Materials Plan," prepared by VHB, dated August 30, 2005 (the "Site Plan") (see case file), unless deviations from the Site Plan are approved at the time of Plan of Development review.

- b. Any building constructed on the Property shall be substantially similar in appearance to the building shown on elevation drawings entitled " J.E.B. Stuart Parkway Office Building" (see case file), prepared by Gooss and Associates, dated August 3, 2005, unless modifications to architectural features are approved at the time of Plan of Development review.
2. **No Loading Docks.** There shall be no loading docks on the Property. Drive-in doors shall be utilized on the Property.
3. **Detached Signage.** Any detached signs shall be ground-mounted, monolithic-type signs and shall not exceed eight (8) feet in height. Any illumination of a detached sign shall be from an external source of light.
4. **No Outside Storage.** There shall be no outside storage on the Property.
5. **Mechanical Equipment Screening.** All HVAC and other mechanical equipment and fixtures, whether at grade or roof mounted on the buildings or other structures, shall be screened from view, at ground level for a distance of five hundred (500) feet from all property lines of the subject parcel. Roof top screening may be accomplished with sufficient height of building, parapet walls or a continuous metal screening permanently attached to buildings.
6. **Refuse Container Enclosures.** Except for gates and doors, the exterior walls screening refuse containers/dumpsters shall be constructed of a predominant building material on the main building(s) on the site, as determined at the time of Plan of Development Review. Gates and doors shall be opaque, substantial, and oriented to minimize view of the enclosure from public rights-of-way. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging as determined at the time of Plan of Development. Concrete pavement shall be used where the refuse container pad and apron are located.
7. **Uses.** Only the following principal uses shall be permitted on the Property:
 - a. clinics and laboratories: medical, dental, optical, experimental, film or testing;
 - b. business, professional and administrative offices;
 - c. medical and dental offices;
 - d. training classes, dance, and martial arts instruction;
 - e. catering establishments and meal delivery services;
 - f. printing, publishing and engraving, blueprinting, photocopying and similar uses;
 - g. office warehouse;
 - h. school for industrial training, trade or business;
 - i. wholesale establishments; and

j. warehouses.

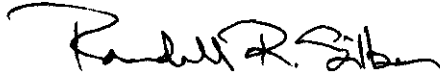
Floor space devoted to warehouse and wholesale uses shall not exceed forty percent (40%) of the building floor space developed on the Property.

8. **Hours of Operation.** Uses conducted on the Property shall comply with the hours of operation applicable to the B-2 zoning district.
9. **Exterior Lighting Fixtures and Light Sources.** All exterior lighting fixtures on the Property shall use the same type of light source to provide a uniform lighting appearance. Light fixtures shall incorporate concealed light sources designed to reduce or eliminate side glare, and shall be no more than twenty-five (25) feet in height above surrounding grade.
10. **Landscaped Areas.** A landscaped area with a minimum depth of twenty-five (25) feet shall be provided adjacent to J.E.B. Stuart Parkway for all portions of the Property adjacent to J.E.B. Stuart Parkway, except that where a transitional buffer is required, such transitional buffer shall be furnished in place of such twenty five (25) foot landscaped area. Plant materials in such twenty-five (25) foot landscaped area shall be approved as part of the landscaping plan for the Property. Such landscaped area may include utility easements, roads, signage, driveways, or other purposes required by the County, or requested by the developer and specifically permitted at the time of Plan of Development, but roads, driveways, and utility easements (other than existing) must cross the landscaping strip in substantially a perpendicular direction.
11. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
12. **Public Utilities.** The public water and wastewater system shall be used. However, well water may be put to non-potable use such as irrigation. Prior to completion of the extension of such systems, alternate systems may be utilized on a temporary basis if approved by the Department of Public Utilities.
13. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

Ackley Park, LLC
September 20, 2005
Page 4

The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett". The signature is fluid and cursive, with a large initial "V" and "R".

Virgil R. Hazelett, P.E.
County Manager

pc: Sauer Properties, Inc.
Mr. L. Clarke Jones, III
Director, Real Estate Assessment
Conditional Zoning Index

